

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Premier One Landscapes, LLC,

Appellant,

v.

Steven John Hrkal and
Kimberly Colleen Hrkal,

Appellees.

ORDER

Civil No. 14-1412 ADM

This matter is before the Court sua sponte, based on the Court's obligation to consider whether it has subject matter jurisdiction in every case. See Hart v. United States, 630 F.3d 1085, 1089 (8th Cir. 2011) (stating a court has a responsibility to consider sua sponte whether it has subject matter jurisdiction where the court believes subject matter jurisdiction may be lacking).

This is an appeal from a March 11, 2014 Order by United States Bankruptcy Judge Michael E. Ridgeway dismissing Appellant's bankruptcy adversary proceeding with prejudice. Notice of Appeal [Docket No. 1]. Appellant filed the Notice of Appeal on April 8, 2014, which was 28 days after the Bankruptcy Court's Order dismissing the adversary proceeding.

Federal Rule of Bankruptcy Procedure 8002 requires a notice of appeal to be "filed with the clerk within 14 days of the date of entry of the judgment, order, or decree appealed from." Therefore, it appears that the appeal is untimely and that this Court lacks jurisdiction to review the bankruptcy court's order. See 28 U.S.C. § 158(c)(2) (requiring

appeals of bankruptcy court orders to be “taken . . . in the time provided by Rule 8002 of the Bankruptcy Rules”); Veltman v. Whetzal, 93 F.3d 517, 520 (8th Cir. 1996) (“In general, failure to file a timely notice of appeal from a bankruptcy court’s order deprives the district court of jurisdiction to review that order.”).¹

If Appellant disagrees with the Court’s belief that it lacks jurisdiction, Appellant shall file, on or before October 1, 2014, a memorandum of law not to exceed 3,000 words stating why the case should not be dismissed. **If no memorandum is filed on or before October 1, 2014, the case shall be dismissed for lack of jurisdiction.**

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: September 17, 2014.

¹ In addition to filing the appeal in an apparently untimely manner, Appellant has taken no action to proceed with the appeal since it was transmitted from the Bankruptcy Court to this Court on May 6, 2014, and has failed to comply with the briefing schedule mandated by Federal Rule of Bankruptcy Procedure 8009. See Clerk’s Notice [Docket No. 7] (describing briefing schedule for bankruptcy appeals).